



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 01 2012

Mr. Patrick Bradbury
Director of Facilities
City of Milford Public Schools
70 West River Street
Milford, Connecticut 06460

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and § 761.79(h)
East Shore Middle School
Milford, Connecticut

Dear Mr. Bradbury:

This is in response to the City of Milford Public Schools (the City) Notification¹ for approval of the proposed plan to address PCB contamination at the East Shore Middle School (the Site) located at 240 Chapel Street in Milford, Connecticut. The Site contains caulk and glazing that exceed the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62.

The City has requested an approval under 40 CFR § 761.61 (a) which includes but is not limited to the following activities:

- Remove older window caulk and glazing from the 1960 building, exterior door caulk from the 1951 building, and existing wall panel caulk from the 1960 building and dispose as a *PCB bulk product waste* in a TSCA-approved or RCRA hazardous waste landfill (caulk and/or glazing may remain with window/door/paneling systems for disposal as PCB waste greater than or equal to ≥ 50 ppm);
- Remove entire old window system, "newer" white window system, and drivet paneling system associated with the ≥ 50 ppm PCB caulk in the 1960 building and dispose as a ≥ 50 ppm *PCB remediation waste* in a TSCA-approved or RCRA hazardous waste landfill;

¹ The notification was prepared by Fuss & O'Neill on behalf of the City of Milford Public Schools to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated October 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); December 2011 (Revised SIDP); and December 19, 2011 (Response to EPA Comments). These submittals shall be referred to as the "Notification".

- Remove entire door frame system and steel lintel paint associated with exterior door caulk in the 1951 building and dispose as a ≥ 50 ppm *PCB remediation waste* in a TSCA-approved or RCRA hazardous waste landfill;
- Remove entire wall panel system associated with existing wall panel caulk in the 1960 building and dispose as a ≥ 50 ppm *PCB remediation waste* in a TSCA-approved or RCRA hazardous waste landfill;
- Remove older exterior window caulk and glazing and associated window frame and glass from the 1955 building and dispose as a less than ($<$) 50 ppm PCB waste in a state-approved landfill;
- Remove existing exterior expansion joint caulk from the 1951 building and dispose of as a < 50 ppm PCB waste in a state-approved landfill; and,
- Decontaminate certain painted *non-porous surfaces* (i.e., steel lintels) to the NACE 2 visual standard or less than or equal to (\leq) $1 \mu\text{g}/100 \text{ cm}^2$ if the NACE 2 visual standard cannot be met.

The City has determined that certain caulks and glazing associated with the 1951 and 1955 buildings and which have PCB concentrations at < 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or glazing. However, as indicated above, the City has indicated in the Notification that the *Excluded PCB Products* will be removed and disposed of in a state-permitted landfill.

Due to inaccessibility, PCB characterization sampling of certain building substrates in the 1951 and 1960 could not be conducted. The Notification indicates that sampling will be conducted to determine if PCB concentrations in these substrates are greater than ($>$) 1 ppm. If so, the PCB-contaminated building substrates with ≥ 1 ppm will be removed and disposed of.

The Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

The City may proceed with its project in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

Please be aware that this Approval requires notification to EPA in the event any *porous surfaces* verification sample exceeds the PCB cleanup standard of ≤ 1 ppm. (See Attachment 1, Approval Condition 13.b.iv.)

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "James T. Owens III", with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Kevin McCarthy, Fuss & O'Neill
Gary Trombly, CT DEEP
Brian Toal, CT DPH
File

Attachment 1: PCB Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
CITY OF MILFORD PUBLIC SCHOOLS
EAST SHORE MIDDLE SCHOOL (the "Site")
240 CHAPEL STREET
MILFORD, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.⁽²⁾
2. The City of Milford (the City) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, The City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

² The notification was prepared by Fuss & O'Neill on behalf of the City of Milford Public Schools to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated October 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); December 2011 (Revised SIDP); and December 19, 2011 (Response to EPA Comments). These submittals shall be referred to as the "Notification".

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. The City shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
- a. All visible residues of PCB-contaminated caulk (i.e. *PCB bulk product waste*) and paint on *non-porous surfaces* (e.g., steel lintels) shall be removed as described in the Notification.
 - b. The cleanup standard for *porous surfaces* (e.g., concrete, slate, and brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with Subpart O as detailed in the Notification.
 - ii) If composite samples are collected, the following shall apply:
 - (1) The composite shall be prepared using equal volumes of each grab sample in accordance with § 761.289(a); and,
 - (2) The composite sample analytical results shall be adjusted by multiplying the composite analytical results by the number of grab samples comprising the composite. This adjusted result shall be used to determine if the PCB cleanup standard of ≤ 1 ppm has been met.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iv) In the event that any verification sample is greater than ($>$) 1 ppm PCBs in the *porous surfaces*, the City shall notify EPA, in writing, and shall describe what procedures, monitoring, and sampling activities will be implemented during and following abatement of the PCB-contaminated *porous surfaces*.

- c. The decontamination standard for *non-porous surfaces* (e.g., steel lintels) shall be the NACE No. 2 visual standard as required under § 761.79(b)(3)(i)(B). Alternatively, *non-porous surfaces* may be decontaminated as follows:
- i) All visible paint shall be removed as described in the Notification.
 - ii) Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$) and at the frequency of 1 sample every 3 feet.
 - iii) In the event decontaminated *non-porous surfaces* have PCB concentrations at greater than ($>$) $1\mu\text{g}/100\text{ cm}^2$ PCBs, the City may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes in accordance with 40 CFR Part 761.
 - iv) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

20. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the City in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
21. The City shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1